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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/899,962	07/06/2001	Ali N. Saleh	M-9838 US	4375
33031	7590	03/10/2006	EXAMINER	
CAMPBELL STEPHENSON ASCOLESE, LLP			TRAN, NGHI V	
4807 SPICEWOOD SPRINGS RD.				
BLDG. 4, SUITE 201			ART UNIT	PAPER NUMBER
AUSTIN, TX 78759			2151	
DATE MAILED: 03/10/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/899,962	SALEH ET AL.	
	Examiner	Art Unit	
	Nghi V. Tran	2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 19 December 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-46 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iwata, U.S. Patent No. 6,026,077 (hereinafter Iwata), in view of Houji, U.S. Patent No. 5,832,197 (hereinafter Houji).

3. With respect to claims 1, 9, 17, 25, 33, 41, 44, and 46, Iwata teaches a method for restoring a path in a communication system between zones [see abstract] comprising:

- establishing an inter-zone link between a first border node (**A**) of a source zone (**701**) and a second border node (**D**) of a destination zone (**704**) [fig. 1];
- identifying an inter-zone link failure between the source zone and the destination zone [col.10, ln.66 - col.11, ln.27 and col.12, lns.40-62];
- identifying a pre-planned alternative route between the source zone and the destination zone [i.e. previously determine an alternate path, see abstract and fig. 1];

- informing a node in the destination zone of alternative route [fig.1];
- informing a node in the source zone of alternative route [fig.1]; and
- providing communication between the destination zone and the source zone via alternative route [fig.4].

However, Iwata does not explicitly show wherein the pre-planned alternative route meets class of service requirements between the source zone and the destination zone.

In a method for restoring a path, Houji suggests or discloses wherein the pre-planned alternative route meets class of service requirements between the source zone and the destination zone [see abstract, figs.1-2, and col.2, ln.46 - col.4, ln.38].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Iwata in view of Houji by the pre-planned alternative route meets class of service requirements between the source zone and the adjacent destination zone because this feature performs alternate routing and avoids congestion without interrupting a connection [Houji, col.1, ln.28]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated to modify in order to select one of the alternate virtual paths according to their priorities and switches the route to the selected virtual path without interrupting the connection [Houji, col.1, Ins.23-25].

4. With respect to claims 2, 10, 18, 26, and 34, Iwata further suggests routing the pre-planned alternative route through a transit zone [fig.1].

5. With respect to claim claims 3, 6, 11, 14, 19, 22, 27, 30, 35 and 38, Iwata further teaches requesting new paths to be established between zones [i.e. setting up the alternate path, see abstract].

6. With respect to claims 4-5, 7-8, 12-13, 15-16, 20-21, 23-24, 28-29, 31-32, 36-37, and 39-40, Iwata does not explicitly show the pre-planned alternative route is configured based on class of service requirements.

In a method for restoring a path in a communication system, Houij discloses the pre-planned alternative route is configured based on class of service requirements [see abstract and fig.1].

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Iwata in view of Houij by the pre-planned alternative route meets class of service requirements between the source zone and the adjacent destination zone because this feature performs alternate routing and avoids congestion without interrupting a connection [Houji, col.1, ln.28]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated to modify in order to select one of the alternate virtual paths according to their priorities and switches the route to the selected virtual path without interrupting the connection [Houji, col.1, Ins.23-25].

7. With respect to claims 42-43 and 45, Iwata further teaches the processor is further configured to:

- identify an intra-zone failure within at least one of said source zone and said adjacent destination zone [i.e. link state database 102, figs.2-6]; and
- dynamically identify an alternative route using a distributed restoration process [col.7, ln.60 - col.8, ln.61].

Response to Arguments

8. Applicant's arguments with respect to claims 1-46 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will

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the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi V. Tran whose telephone number is (571) 272-4067. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571) 272-3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nghi V Tran
Patent Examiner
Art Unit 2151

NT



ZARNI MAUNG
SUPERVISORY PATENT EXAMINER